

1 TITLE 14 - DEPARTMENT OF FORESTRY AND FIRE PROTECTION

2 CHAPTER 13 - STATE RESPONSIBILITY FEES

3 [Emergency Regulation]

4
5 Adopt all new sections to 14 CCR CHAPTER 13 § 1665 as follows:

6
7 **§ 1665.1 Authority.**

8 This chapter sets out procedures for implementation and
9 collection of "State Responsibility Area Fire Prevention Benefit
10 Fees" (hereafter referred to as "Benefit Fee"), as required by
11 Chapter 8, Statutes 2011.

12 Note: Authority cited: Sections 4210-4228, Public Resources Code.
13 Reference: Sections 4102, 4111, 4114, 4125, 4138 (a)-(h), and 4140
14 (a) of the Public Resources Code.

15 **§ 1665.2 Definitions**

16 "Dwelling Unit", for purposes of this implementation of
17 Sections 4210-4228 of the Public Resources Code, is a single unit
18 providing complete, independent living facilities for one or more
19 persons, including permanent provisions for living, sleeping,
20 eating, cooking, and sanitation.

21 "Dwelling", for purposes of this implementation of Sections
22 4210-4228 of the Public Resources Code, is a building that contains
23 one or two dwelling units used, intended, or designed to be used,
24 rented, leased, let, or hired out to be occupied for living
25 purposes.

1 "Habitable Structure", for purposes of implementation of
2 Sections 4210-4228 of the Public Resources Code, is a permanent
3 dwelling, and includes mobile homes and manufactured homes.

4 "Multi-family Parcel", means a parcel with more than two
5 dwelling units on it. Examples of multi-family parcels include, but
6 are not limited to, condominium complexes, apartment buildings, and
7 mobile home parks.

8 "Parcel", for purposes of this implementation of Sections
9 4138-4140.7 of the Public Resources Code, means real property as
10 delineated by a county assessor's office with an assessor parcel
11 number that exists in actuality and upon which property taxes are
12 assessed.

13 "Permanent", means affixed to the ground through permanent
14 water, electrical, and sewage connections with a foundation
15 suitable for the structure.

16 "Property Owner", means that individual, company, corporation,
17 or other entity that holds title to said habitable structure and
18 parcel.

19 "State Responsibility Area" means those areas defined in
20 Section 4102 and delineated pursuant to Sections 4125-4128 of the
21 Public Resources Code. These lands are shown on digital maps
22 maintained by the California Department of Forestry and Fire
23 Protection at its Sacramento Headquarters and may be viewed there
24 or in low resolution at the California Department of Forestry and
25 Fire Protection website: www.xxx, xxxx, xxx.

1 "Benefit Fee" means the fire prevention benefit fee imposed
2 pursuant to Sections 4210-4228 of the Public Resources Code.

3 "Fire Prevention Fund" means the fund established for deposit
4 of all annual Benefit Fees collected, and from which grants may be
5 awarded pursuant to 14 CCR § 1665.8.

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7 Note: Authority cited: Sections 4210-4228, Public Resources Code.
8 Reference: Sections 4111 of the Public Resources Code.

9
10 **§ 1665.3. Determination of Eligible Habitable Structure**

11 Determinations of eligible habitable structures within State
12 Responsibility Areas shall be completed statewide for the
13 Department by its "Designated Fee Administrator" pursuant to Public
14 Resources Code Section 4210 and 14 CCR §§ 1665.1-1665.8.

15 Note: Authority cited: Section 4210-4228, Public Resources Code.
16 Reference: Sections 4111 of the Public Resources Code.

17 **§ 1665.4. Imposition of the Benefit Fee**

18 The Benefit Fee will be imposed on all property owners with
19 habitable structures on a parcel within State Responsibility Areas
20 as defined in Public Resources Code Section 4102 and pursuant to
21 Public Resources Code Sections 4125-4128. The Benefit Fee shall not
22 exceed one hundred fifty dollars (\$150.00) per dwelling, except
23 that the Benefit Fee shall not be imposed on any of the following:

1 (a) Habitable structures below minimum value of five thousand
2 dollars (\$5,000.00), pursuant to Revenue and Taxation Code Section
3 155.20.

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5 Note: Authority cited: Section 4210-4228, Public Resources Code.
6 Reference: Sections 4111 of the Public Resources Code.

7 **§ 1665.5. Request for Review and Refunds**

8 (a) Any property owner who has reason to believe that the
9 imposition of the Benefit Fee on a habitable structure on a parcel
10 owned by a property owner is in error may request a review with the
11 Designated Fee Administrator.

12 (b) Requests for review may be filed prior to payment of the
13 Benefit Fee, and up to one year after, unless otherwise specified
14 by law. Requests for review after the Benefit Fee has been paid
15 shall include verification pursuant to Revenue and Taxation Code
16 Section 5097 (a)(1). Requests for review shall be sent to xxxxxx.

17 Requests for review should include information that
18 substantiates the basis for the request. The Designated Fee
19 Administrator may request additional information from the property
20 owner if the information in the initial request is not adequate to
21 inform the Designated Fee Administrator's review.

22 (c) The designated Fee Administrator shall complete its
23 evaluation of the request for review within forty-five (45) days of
24 the date on which it was received. Notice of the decision by the
25 Designated Fee Administrator will be mailed , or transmitted

1 electronically by email or fax to the property owner of a habitable
2 structure on a parcel within fifteen (15) days of the date of the
3 decision.

4 (d) If the Designated Fee Administrator determines that the
5 Benefit Fee was improperly levied, either in whole or in part, the
6 Benefit Fee will be modified. If the Designated Fee Administrator
7 decides to correct or modify a Benefit Fee, the appropriate changes
8 shall be made to the listing of habitable structures on parcels
9 subject to Benefit Fees. The Designated Fee Administrator shall
10 provide a list of such modifications to the Department and the
11 Board, as specified by the Department or Board. If a modification
12 is required after the listing of habitable structures on parcels
13 subject to the Benefit Fee has been filed with the county for
14 collection, the Designated Fee Administrator shall notify the
15 Department and the Board. Thereafter, the Department will refund to
16 the property owner the amount of any approved reduction in Benefit
17 Fee, or request payment of any approved addition in Benefit Fee.

18 19 **§ 1665.6. Fee Structure**

20 (a) The Board has been directed by the legislature to impose
21 a fee that will provide funding necessary for fire prevention
22 activities. Such activities shall be consistent with the "2010
23 Strategic Fire Plan for California" (hereafter referred to as "Fire
24 Plan") adopted by the Board, pursuant to PRC 4114, for
25 implementation in State Responsibility Areas. It is the intent of

1 the Board that xx percent of revenue generated from these fees be
2 utilized for the grant program described in 14 CCR § 1665.8.

3 (b) The Benefit Fee per habitable structure on a parcel,
4 shall be the sum of the following provisions:

5 (1) The portion of the Benefit Fee for administration of
6 the Benefit Fee collection program by the Board of Equalization,
7 Department of Forestry and Fire Protection, and Board of Forestry
8 and Fire shall be xx dollars.

9 (2) The portion of the Benefit Fee to support inspections
10 conducted by the Department or its duly authorized agent, pursuant
11 to PRC §4119, shall be xx dollars.

12 (3) The portion of the Benefit Fee to support Fire
13 Hazard Severity Zone mapping by the Department in State
14 Responsibility Areas shall be xx dollars.

15 (4) The portion of the Benefit Fee to support the
16 Department's Pre-fire Engineering program shall be xx dollars.

17 (5) The portion of the Benefit Fee assessed for a
18 habitable structure located on a parcel in an area designated by
19 the Department as a Very High or Extreme Fire Hazard Severity Zone
20 shall be xx dollars.

21 (6) For multi family parcels containing 3-4) dwelling
22 units, the fee shall be xx dollars for the first unit, and xx
23 dollars for each additional unit.

1 (7) For multi family parcels containing five (5) or more
2 dwelling units, the fee shall be xx dollars for the first unit, and
3 xx dollars for each additional unit.

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5 **§ 1665.7. Fee exemptions**

6 (a) Property owners may receive a reduction of xx dollars if
7 the county in which the property is located has adopted the
8 following:

9 (1) "Fire Safe Regulations" certified by the Board or the
10 Board's "Fire Safe Regulations" pursuant to 14 CCR § 1270, et
11 seq.

12 (2) A "Safety Element" in the County General Plan that
13 has been certified by the Board, pursuant to Public Resources
14 Code § 4128.4.

15 (b) Property owners required to pay a local fire protection
16 district fee, in support of local fuels reduction or other fire
17 prevention projects may receive a reduction of xx dollars.

18 (c) Property owners whose habitable structures have been
19 inspected by the Department of Forestry and Fire Protection, and
20 who have received a notice of compliance with Public Resources Code
21 Sections 4291, and 14 CCR § 1299, may receive a reduction of xx
22 dollars.

1 **§ 1665.8. Grant Program**

2 (a) The Board shall develop a granting program funded from the
3 Benefit Fees collected. Grants shall be awarded to counties in
4 direct proportion to their contribution to the Fire Prevention
5 Fund.

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7 (b) Grants awarded from the Fire Prevention Fund shall be
8 awarded to Fire Protection Districts, Fire Safe Councils, the
9 California Conservation Corps, and other organizations accepted by
10 the Board to support the following priorities listed in descending
11 order.

12 (1) Development of a Community Wildfire Protection Plan
13 (CWPP).

14 (2) Development of "Fire Safe Regulations" to be
15 certified by the Board pursuant to Public Resources Code § 4290.

16 (3) Community fuel reduction projects.

17 Note: Authority cited: Section 4139, Public Resources Code.
18 Reference: Sections 4102, 4111, 4114, 4138 (a)-(h), 4140 (a) of
19 the Public Resources Code, Section 53087.4 of the Government Code,
20 and Section 5097 of the Revenue and Taxation Code.
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